

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

|                          |                                                       |
|--------------------------|-------------------------------------------------------|
| UNITED STATES OF AMERICA | ) Criminal Number                                     |
|                          | )                                                     |
| v.                       | ) Count 1: 18 U.S.C. § 371 (conspiracy)               |
|                          | ) Counts 2-15, 36: 18 U.S.C. §§ 2 and 1546(a)         |
| SAMUEL G. KOORITZKY,     | ) (labor certification fraud and aiding and abetting) |
|                          | ) Counts 16-35: 18 U.S.C. §§ 2 and 1001(a)            |
| Defendant                | ) (making false statements and aiding and abetting)   |
|                          | ) Count 37: 18 U.S.C. §§ 2 and 1546(a)                |
|                          | ) (immigration fraud and aiding and abetting)         |
|                          | ) Count 38: 18 U.S.C. §1956(a)(1)(A)(i)               |
|                          | ) (laundering of monetary instruments)                |

SEPTEMBER 2002 TERM – AT ALEXANDRIA

INDICTMENT

General Allegations Concerning the Defendant and the Labor Certification Process

THE GRAND JURY CHARGES THAT AT ALL TIMES MATERIAL TO THIS

INDICTMENT:

1. The defendant, SAMUEL G. KOORITZKY, was a licensed attorney who owned Kooritzky and Associates, later renamed Capital Law Centers, a law firm principally located at 4040 North Fairfax Drive, Suite 120, Arlington, Virginia.
2. The Virginia Employment Commission (VEC) was an agency of the government of the Commonwealth of Virginia and maintained offices in Alexandria and Richmond, Virginia.
3. The Department of Labor and the Immigration and Naturalization Service (INS) were agencies within the executive branch of the government of the United States.

4. An alien seeking to immigrate to the United States could apply for an immigrant visa to perform skilled or unskilled labor in the United States. If approved, this employment-based visa allowed the alien to come to the United States and to apply for lawful permanent residence in the United States.

5. In order to receive an immigrant visa to perform skilled or unskilled labor in the United States, the alien first had to obtain a formal certification from the Secretary of Labor that there were insufficient United States workers willing and qualified to perform the labor in question and that the employment of the alien would not adversely affect the wages and working conditions of United States workers similarly employed.

6. To obtain a certification, the alien's prospective employer had to file an Application for Alien Employment Certification, officially known as a form ETA 750, with the United States Department of Labor. This application had to be completed and signed under penalty of perjury by both the prospective employer and the alien. In part A of the application, the employer represented that the employer had a specific job to fill; described the nature, location, terms, and requirements of the job; and listed the name, address, and immigration status of the alien seeking the job. In part B of the application, the alien listed his name, address, biographic information, and immigration status; described his experience and qualifications for the job the employer was offering; and represented that he was willing and qualified to accept the job.

7. Once the application was signed and completed, the alien's prospective employer had to file the application with a state employment agency. In Virginia, this agency was the Virginia Employment Commission. The state employment agency reviewed the application for completeness, ensured that the employer was offering the prevailing wage for the job listed in the application, and oversaw any recruiting and advertising the employer might be required to do as

part of the certification process. Once the state agency completed this portion of the certification process, the agency forwarded the application to the appropriate Department of Labor regional office for final determination. The regional office reviewed the application and then either issued a final certification on behalf of the Secretary of Labor or denied the application.

8. If the Department of Labor approved the application and issued a certification, the alien's prospective employer could then file an Immigrant Petition for Alien Worker, officially known as a form I-140, with the Immigration and Naturalization Service on the alien's behalf. If approved, this petition resulted in the issuance of an immigrant visa to the alien and allowed the alien to immigrate to the United States and to apply for lawful permanent residence upon arrival.

9. Both the alien and the prospective employer could engage an attorney to represent their respective interests during the application process for labor certification. If the alien or the prospective employer engaged an attorney, however, the attorney had to sign and file a notice of appearance with the Department of Labor on an INS form G-28 that specifically named the attorney's client or clients.

10. In certain circumstances, an alien already in the United States who wished to stay in the United States as a lawful permanent resident could do so by applying for a labor certification following the process described in paragraphs five through seven above. If the Department of Labor approved the certification, the alien's prospective employer could then file an I-140 on the alien's behalf. If the INS approved the I-140 and the alien was in the United States lawfully at that time, the alien could then adjust his status to that of a lawful permanent resident by filing an Application to Register Permanent Residency or Adjustment of Status, officially known as INS form I-485, with the INS. An alien unlawfully in the United States could also use an approved I-140 to adjust his status to that of a lawful permanent resident by filing an I-485 with the INS, but

only if the alien's prospective employer applied for the alien's underlying labor certification prior to April 30, 2001.

11. A lawful permanent resident may work and live in the United States indefinitely and, should he or she so choose, apply for United States citizenship.

12. A form ETA 750 and a form I-140 are applications required by the immigration laws of the United States and the rules prescribed thereunder.

13. The general allegations in paragraphs 1 through 12 of this indictment are specifically re-alleged and incorporated in counts 1 through 38 below as if they were fully set forth in each count.

Count 1: Conspiracy to Commit Labor Certification Fraud

THE GRAND JURY FURTHER CHARGES THAT:

From in around October 2000 through in and around July 2002, in the Eastern District of Virginia, the defendant, SAMUEL G. KOORITZKY, knowingly and unlawfully conspired with Ronald W. Bogardus, named as a co-conspirator but not as a defendant herein, and persons known and unknown to the grand jury to commit offenses against the United States, namely labor certification fraud in violation of Title 18, United States Code, Section 1546(a), and making false statements in violation of Title 18, United States Code, Section 1001(a). Specifically, from in around October 2000 through in and around July 2002, in Arlington, Virginia, the defendant knowingly conspired with others to prepare fraudulent Applications for Alien Employment Certification, officially known as forms ETA 750, and to present those same applications to the United States Department of Labor through the Virginia Employment Commission.

### Purpose, Manner, and Means of the Conspiracy

The purpose of the conspiracy was to make money by preparing fraudulent ETA 750 applications and by presenting those same applications to the United States Department of Labor through the Virginia Employment Commission.

The manner and means by which the conspirators conducted the conspiracy included the following:

1. It was part of the conspiracy that the conspirators would prepare fraudulent ETA 750 applications, parts A and B, for submission to the Department of Labor through the Virginia Employment Commission. The defendant and his employees were generally responsible for preparing part B of the applications. One of the defendant's co-conspirators, Ronald W. Bogardus, was generally responsible for securing the information for part A.

2. It was further part of the conspiracy that the defendant and his employees would generally be responsible for securing the information necessary to complete part B of each ETA 750 application and for assembling and filing the completed application. For a given application, these efforts typically included (1) receiving and interacting with the alien for whom the application would be filed; (2) completing part B of the application with information concerning the alien, including the alien's name, nationality, work experience, and signed declaration; (3) assembling the application and supporting documentation; (4) reviewing the application to ensure it was complete; (5) collecting the relevant fees from the alien; (6) directing any fees due Bogardus to Bogardus; and (7) filing the application with the Department of Labor through the VEC. In addition, Kooritzky was responsible for preparing and signing a cover letter to the VEC for each application and for entering his appearance on an INS form G-28 as the authorized attorney for both the petitioning business and the alien beneficiary named in the application.

3. It was further part of the conspiracy that Bogardus would be primarily responsible for securing the information necessary to complete part A of the ETA 750 application. This information typically included (1) the name and address of a Northern Virginia business; (2) the details of a job that business ostensibly sought to fill, including the job title, duties, salary, and date of employment; (3) the results of the business's efforts to recruit United States workers for the job; and (4) the name and signed declaration of a responsible employee of the business.

4. It was further part of the conspiracy that the defendant and his employees would tell alien clients who lacked a job offer with which to complete an application that R.B. & Associates, a company affiliated with the defendant's law firm, could provide the clients with a job offer from a prospective employer in return for a substantial fee.

5. It was further part of the conspiracy that the defendant and Bogardus would use R.B. & Associates as a corporate front for the transfer of false information from Bogardus to the defendant when in fact R.B. & Associates did not exist as a legal corporation or company.

6. It was further part of the conspiracy that the defendant and his co-conspirators would prepare some applications in which primarily part A was fraudulent and others in which both parts A and B were fraudulent.

7. It was further part of the conspiracy that the defendant would file multiple applications on behalf of the same alien beneficiary with the intent of selling those approved applications not needed by the alien beneficiary to other aliens in return for a substantial cash fee.

8. It was further part of the conspiracy that the defendant and his co-conspirators would prepare and file applications on behalf of businesses in Northern Virginia without those businesses' authorization. These businesses included Applebee's Neighborhood Grill and Bar, trading as Applebee's Restaurant; Chili's Restaurants; Denny's Restaurants; Hooters

Restaurants; Mercedes Benz Corporation; Outback Steakhouse, Inc.; Red, Hot & Blue Restaurants; Red Lobster Restaurants; Shoney's Restaurants; Silver Diner Restaurants; Tyree Construction Corporation; and United States Service Industries. It was further part of the conspiracy that these same applications would be fraudulent and contain numerous falsehoods, such as (1) forged signatures and declarations, (2) false assertions that the defendant represented the businesses listed in the applications, (3) false assertions that the defendant represented the alien beneficiaries listed in the applications, (4) false statements about the job offers listed in the applications, and (5) false statements about the alien beneficiaries' work experience and qualifications.

#### Overt Acts

In furtherance of the conspiracy and to effect the objects thereof, the defendant and his co-conspirators knowingly performed overt acts in the Eastern District of Virginia and elsewhere. These acts included the following:

1. In and around October 2000, the defendant enlisted Ronald W. Bogardus to assist the defendant with the preparation of ETA 750 applications for submission to the United States Department of Labor.

2. On or about November 30, 2000, through on or about December 7, 2000, Ronald Bogardus, traveled to New Delhi, India. While in New Delhi, Bogardus obtained information concerning Indian nationals and Indian businesses that the defendant and Bogardus later used to prepare fraudulent ETA 750 applications. Once the applications were fully prepared, the defendant presented these same applications to the Department of Labor through the VEC.

- 3-16. On or about January 30, 2001, the defendant prepared and submitted the following fraudulent ETA 750 applications to the VEC on behalf of Chili's Restaurants and various Indian nationals.

| <b>Overt Act</b> | <b>Indian Beneficiary</b> | <b>Prospective Employer</b> | <b>Position</b> | <b>Date of the Offense</b> |
|------------------|---------------------------|-----------------------------|-----------------|----------------------------|
| 3                | Gopal Ram Arya            | Chili's Restaurants         | Cook            | January 30, 2001           |
| 4                | Sanjeev Bali              | Chili's Restaurants         | Cook            | January 30, 2001           |
| 5                | Subhash Chatterdi         | Chili's Restaurants         | Cook            | January 30, 2001           |
| 6                | Surinder Chugh            | Chili's Restaurants         | Cook            | January 30, 2001           |
| 7                | Sufi Hasax                | Chili's Restaurants         | Cook            | January 30, 2001           |
| 8                | Laxman Kumar              | Chili's Restaurants         | Cook            | January 30, 2001           |
| 9                | Samir Matta               | Chili's Restaurants         | Cook            | January 30, 2001           |
| 10               | Bimal Pradham             | Chili's Restaurants         | Cook            | January 30, 2001           |
| 11               | Manoranjan Prasad         | Chili's Restaurants         | Cook            | January 30, 2001           |
| 12               | Dhanpal Sharma            | Chili's Restaurants         | Cook            | January 30, 2001           |
| 13               | Jai Shelhar               | Chili's Restaurants         | Cook            | January 30, 2001           |
| 14               | Charan Rajiv Singh        | Chili's Restaurants         | Cook            | January 30, 2001           |
| 15               | Gajender Singh            | Chili's Restaurants         | Cook            | January 30, 2001           |
| 16               | Ashuan Sood               | Chili's Restaurants         | Cook            | January 30, 2001           |

17-36. On or about February 26, 2001, the defendant prepared and submitted the following fraudulent ETA 750 applications on behalf of Chili's Restaurants and various Indian nationals.

| <b>Overt Act</b> | <b>Indian Beneficiary</b> | <b>Prospective Employer</b> | <b>Position</b> | <b>Date of the Offense</b> |
|------------------|---------------------------|-----------------------------|-----------------|----------------------------|
| 17               | Mohammed Farid Ansari     | Chili's Restaurants         | Cook            | February 26, 2001          |
| 18               | Harish Chand              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 19               | Prithi Chand              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 20               | Suresh Chander            | Chili's Restaurants         | Cook            | February 26, 2001          |
| 21               | Narain Dass               | Chili's Restaurants         | Cook            | February 26, 2001          |
| 22               | Amichand Dogra            | Chili's Restaurants         | Cook            | February 26, 2001          |
| 23               | Birju Kishore             | Chili's Restaurants         | Cook            | February 26, 2001          |
| 24               | Rajesh Kumar              | Chili's Restaurants         | Cook            | February 26, 2001          |



|    |                  |                     |      |                   |
|----|------------------|---------------------|------|-------------------|
| 25 | Prem Massey      | Chili's Restaurants | Cook | February 26, 2001 |
| 26 | Hari Mohan       | Chili's Restaurants | Cook | February 26, 2001 |
| 27 | Sant Parkash     | Chili's Restaurants | Cook | February 26, 2001 |
| 28 | Satya Perkash    | Chili's Restaurants | Cook | February 26, 2001 |
| 29 | Lalta Pershad    | Chili's Restaurants | Cook | February 26, 2001 |
| 30 | Sita Ram         | Chili's Restaurants | Cook | February 26, 2001 |
| 31 | Haswinder Sihra  | Chili's Restaurants | Cook | February 26, 2001 |
| 32 | Gurmeet Singh    | Chili's Restaurants | Cook | February 26, 2001 |
| 33 | Shayar Singh     | Chili's Restaurants | Cook | February 26, 2001 |
| 34 | Bhupindr Therja  | Chili's Restaurants | Cook | February 26, 2001 |
| 35 | Bansi Dher Verma | Chili's Restaurants | Cook | February 26, 2001 |
| 36 | Kushro Washi     | Chili's Restaurants | Cook | February 26, 2001 |

37. On or about March 1, 2002, the defendant prepared and submitted a fraudulent ETA 750 application on behalf of Flippo Construction Company, Inc., and an alien, Mohamed Gohr.

38. On or about October 30, 2000, the defendant prepared and submitted a fraudulent I-140 petition on behalf of an alien that contained false statements about a job offer in the defendant's office and the ability of one of the defendant's employees to fill the job.

39. On or about May 10, 2001, the defendant wrote a check directing the Bank of America to transfer the sum of \$2,000 from one of the defendant's business accounts at the Bank of America branch in Annandale, Virginia (account number 000099377430 in the name of Kooritzky and Associates), to R.B. & Associates, in order to pay Ronald W. Bogardus for his efforts in the preparation of a fraudulent ETA 750 application submitted by the defendant on behalf of Outback Steakhouse and Hicham Daki, an alien.

(In violation of Title 18, United States Code, Sections 371, 1001(a), and 1546(a).)

Counts 2 through 15: Labor Certification Fraud

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of the general allegations of this indictment are specifically re-alleged and incorporated in these counts, as if set forth in full.

2. On or about January 30, 2001, in the Eastern District of Virginia, the defendant, SAMUEL G. KOORITZKY, knowingly subscribed as true, under penalty of perjury, a false statement with respect to a material fact in the applications listed below (including the documents attached to and supporting the same), which applications were required by the immigration laws and the regulations prescribed thereunder, and knowingly presented such applications which contained such false statements and which failed to contain any reasonable basis in law and fact, and knowingly aided and abetted the same.

3. Specifically, on or about January 30, 2001, in Arlington, Virginia, the defendant knowingly prepared fraudulent Applications for Alien Employment Certification, officially known as forms ETA 750, and then submitted the same applications to the Department of Labor through the Virginia Employment Commission office located in Richmond, Virginia. The defendant prepared and submitted each application as if it were a legitimate application filed on behalf of the Chili's Restaurant in Springfield, Virginia, and an Indian national living in India. In particular, each application the defendant prepared and presented alleged that the Indian beneficiary named in the application was a graduate of the Britannia Chartered School of Culinary Arts in New Delhi, India, who sought to work as a cook at the Chili's Restaurant in Springfield, Virginia. Each application further alleged that the Indian beneficiary was then working as a chef at the Hyatt Regency Hotel in New Delhi, India, and had previously worked as a chef at Gaylords Restaurant in New Delhi, India. Each application included a signed letter of

“Employment Confirmation” from the Hyatt Regency Hotel in New Delhi, India, confirming that the Indian beneficiary was working as a chef at the Hotel and that the quality of the beneficiary’s work was excellent.

4. In fact, each application listed below was fraudulent and contained numerous falsehoods, including forged signatures and declarations; false assertions that the defendant represented Chili’s Restaurants and the Indian beneficiary; and false statements about the job offer and the beneficiary’s work experience and qualifications.

| Count | Indian Beneficiary | Prospective Employer | Position | Date of the Offense |
|-------|--------------------|----------------------|----------|---------------------|
| 2     | Gopal Ram Arya     | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 3     | Sanjeev Bali       | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 4     | Subhash Chatterdi  | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 5     | Surinder Chugh     | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 6     | Sufi Hasax         | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 7     | Laxman Kumar       | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 8     | Samir Mattra       | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 9     | Bimal Pradham      | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 10    | Manoranjan Prasad  | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 11    | Dhanpal Sharma     | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 12    | Jai Shelhar        | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 13    | Charan Rajiv Singh | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 14    | Gajender Singh     | Chili’s Restaurants  | Cook     | January 30, 2001    |
| 15    | Ashuan Sood        | Chili’s Restaurants  | Cook     | January 30, 2001    |

(In violation of Title 18, United States Code, Sections 2 and 1546(a).)

Counts 16 through 35: False and Fraudulent Statements

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of the general allegations of this indictment are specifically re-alleged and incorporated in these counts, as if set forth in full.

2. On or about February 26, 2001, in the Eastern District of Virginia, the defendant, SAMUEL G. KOORITZKY, knowingly and willfully made, and aided and abetted others to make, materially false, fictitious, and fraudulent statements and representations in the applications listed below (including the documents attached to and supporting the same), which applications were within the jurisdiction of the Department of Labor, a department within the executive branch of the government of the United States.

3. Specifically, on or about February 26, 2001, in Arlington, Virginia, the defendant knowingly and fraudulently prepared Applications for Alien Employment Certification, officially known as a forms ETA 750, and then submitted the same applications to the Department of Labor through the Virginia Employment Commission office located in Richmond, Virginia. The defendant prepared and submitted each application as if it were a legitimate application filed on behalf of the Chili's Restaurant in Springfield, Virginia, and an Indian national living in India. In particular, each application the defendant prepared and presented alleged that the Indian beneficiary named in the application was a graduate of the Britannia Chartered School of Culinary Arts in Chennai, India, who sought to work as a cook at the Chili's Restaurant in Springfield, Virginia. Each application further alleged that the Indian beneficiary was then working as a chef at the Park Sheraton Hotel & Towers in Chennai, India, and had previously worked as a chef-in-training at the Hotel President in Mumbai, India. Each application included a signed letter of "Experience Verification" from the Park Sheraton Hotel & Towers in Chennai,

India, confirming that the Indian beneficiary was working as a chef at the hotel and that the quality of the beneficiary's work was commendable.

4. In fact, each application listed below was fraudulent and contained numerous falsehoods, including forged signatures and declarations; false assertions that the defendant represented Chili's Restaurants and the Indian beneficiary; and false statements about the job offer and the beneficiary's work experience and qualifications.

| <b>Count</b> | <b>Indian Beneficiary</b> | <b>Prospective Employer</b> | <b>Position</b> | <b>Date of the Offense</b> |
|--------------|---------------------------|-----------------------------|-----------------|----------------------------|
| 16           | Mohammed Farid Ansari     | Chili's Restaurants         | Cook            | February 26, 2001          |
| 17           | Harish Chand              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 18           | Prithi Chand              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 19           | Suresh Chander            | Chili's Restaurants         | Cook            | February 26, 2001          |
| 20           | Narain Dass               | Chili's Restaurants         | Cook            | February 26, 2001          |
| 21           | Amichand Dogra            | Chili's Restaurants         | Cook            | February 26, 2001          |
| 22           | Birju Kishore             | Chili's Restaurants         | Cook            | February 26, 2001          |
| 23           | Rajesh Kumar              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 24           | Prem Massey               | Chili's Restaurants         | Cook            | February 26, 2001          |
| 25           | Hari Mohan                | Chili's Restaurants         | Cook            | February 26, 2001          |
| 26           | Sant Parkash              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 27           | Satya Perkash             | Chili's Restaurants         | Cook            | February 26, 2001          |
| 28           | Lalta Pershad             | Chili's Restaurants         | Cook            | February 26, 2001          |
| 29           | Sita Ram                  | Chili's Restaurants         | Cook            | February 26, 2001          |
| 30           | Haswinder Sihra           | Chili's Restaurants         | Cook            | February 26, 2001          |
| 31           | Gurmeet Singh             | Chili's Restaurants         | Cook            | February 26, 2001          |
| 32           | Shayar Singh              | Chili's Restaurants         | Cook            | February 26, 2001          |
| 33           | Bhupindr Therja           | Chili's Restaurants         | Cook            | February 26, 2001          |
| 34           | Bansi Dher Verma          | Chili's Restaurants         | Cook            | February 26, 2001          |
| 35           | Kushro Washi              | Chili's Restaurants         | Cook            | February 26, 2001          |

(In violation of Title 18, United States Code, Sections 2 and 1001(a).)

Count 36: Labor Certification Fraud

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of the general allegations of this indictment are specifically re-alleged and incorporated in this count, as if set forth in full.

2. On or about March 1, 2002, in the Eastern District of Virginia, the defendant, SAMUEL G. KOORITZKY, knowingly subscribed as true, under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and the regulations prescribed thereunder, and knowingly presented such application and document which contained such a false statement and which failed to contain any reasonable basis in law and fact, and aided and abetted the same. Specifically, on or about March 1, 2002, in Arlington, Virginia, the defendant knowingly prepared a fraudulent Application for Alien Employment Certification, officially known as a form ETA 750, and then submitted the same application to the Department of Labor through the Virginia Employment Commission office located in Richmond, Virginia. The defendant prepared and submitted this application as if it were a legitimate application filed on behalf of Flipppo Construction Co., Inc., and an alien, Mohamed Gohr. In fact, the application contained numerous falsehoods, including forged signatures and declarations, and false assertions that the alien intended to work at Flipppo Construction.

(In violation of Title 18, United States Code, Sections 2 and 1546(a).)

Count 37: Immigration Fraud

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of the general allegations of this indictment are specifically re-alleged and incorporated in this count, as if set forth in full.

2. On or about October 30, 2000, in the Eastern District of Virginia, the defendant, SAMUEL G. KOORITZKY, knowingly subscribed as true, under penalty of perjury, a false statement with respect to a material fact in an application and document required by the immigration laws and the regulations prescribed thereunder, and knowingly presented such application and document which contained such a false statement and which failed to contain any reasonable basis in law and fact, and aided and abetted the same. Specifically, on or about October 30, 2000, in Arlington, Virginia, the defendant knowingly prepared a fraudulent Immigrant Petition for Alien Worker, officially known as a form I-140, and then submitted the same petition to the Immigration and Naturalization Service in Saint Albans, Vermont. In this application, the defendant sought to transfer the use of an approved alien employment certification attached to the form I-140 from the original beneficiary of the certification, then his employee, to another beneficiary, by claiming that the original beneficiary had decided not to accept the job described in the approved certification. In fact, the original beneficiary had accepted the job offer and remained in it at the time the defendant filed the I-140 on behalf of the second beneficiary.

(In violation of Title 18, United States Code, Sections 2 and 1546(a).)

Count 38: Money Laundering

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 12 of the general allegations of this indictment are specifically re-alleged and incorporated in this count, as if set forth in full.

2. On or about May 10, 2001, in the Eastern District of Virginia, the defendant, SAMUEL G. KOORITZKY, unlawfully and knowingly conducted and attempted to conduct a financial transaction affecting interstate commerce, which transaction involved the proceeds of a specified unlawful activity, with the intent to promote the carrying on of said specified unlawful activity, and that while conducting and attempting to conduct this financial transaction, the defendant knew that the property involved in the financial transaction represented the proceeds of some form of unlawful activity. Specifically, on or about May 10, 2001, in Arlington, Virginia, the defendant wrote a check directing the Bank of America to transfer the sum of \$2,000 from one of the defendant's business accounts at the Bank of America branch in Annandale, Virginia (account number 000099377430 in the name of Kooritzky and Associates), to R.B. & Associates, in order to pay Ronald W. Bogardus for his efforts in the preparation of a fraudulent ETA 750 application submitted by the defendant on behalf of Outback Steakhouse and Hicham Daki, an alien. At the time of this transfer, the defendant knew that the funds transferred involved the proceeds of his illegal activities to commit labor certification fraud, in violation of Title 18, United States Code, Section 1546, and intended his payment to Ronald W. Bogardus to promote these same illegal activities. Title 18, United States Code, Section 1546, is a specified unlawful activity as that term is defined in Title 18, United States Code, Section 1956(c)(7)(A). (In violation of Title 18, United States Code, § 1956(a)(1)(A)(i).)



Criminal Forfeiture

THE GRAND JURY FURTHER CHARGES THAT:

Upon conviction of the offenses charged in counts 1 through 15 and counts 36-37 of this indictment, the defendant shall forfeit to the United States any property, real or personal, that constitutes, or is derived from or is traceable to, the proceeds obtained directly or indirectly from the commission of those offenses.

Upon conviction of the offense charged in count 38 of this indictment, the defendant shall forfeit to the United States any property, real or personal, involved in such offense, or any property traceable to such property.

This property includes, but is not limited to, \$2,500,000.

(Pursuant to Title 18, United States Code, Section 982(a)(1) and (a)(6).)

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

Date: \_\_\_\_\_

PAUL J. MCNULTY  
UNITED STATES ATTORNEY

By: \_\_\_\_\_  
Justin W. Williams  
Assistant United States Attorney  
Chief, Criminal Division

\_\_\_\_\_  
John T. Morton  
Assistant United States Attorney